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September 8, 2017

***VIA CM/ECF***

Hon. Scott W. Dales  
United States Bankruptcy Court  
Western District of Michigan  
One Division Avenue North  
Grand Rapids, Michigan 49503

Re: In re: Cherry Growers, Inc. ("Debtor") Case No. 17-04127

Dear Judge Dales:

We represent Farm Fresh First, LLC ("Farm Fresh") in connection with the above-referenced Chapter 11 bankruptcy case. Please be advised that Farm Fresh timely perfected its interest in a PACA trust pursuant to 7 U.S.C. § 499e(c). Farm Fresh is presently owed approximately \$321,000 by the Debtor as set forth in the Debtor's Schedules. As the Court may be aware, PACA does not grant claimholders a priority lien over PACA assets. Rather, PACA's trust status means that PACA assets are not a part of the debtor's bankruptcy estate, and therefore not subject to bankruptcy's priority scheme. Consequently, a PACA claim is entitled to payment ahead of all other creditors, including secured creditors, in this bankruptcy proceeding. On this basis, Farm Fresh opposes Debtor's motion for use of cash collateral. As Farm Fresh only recently retained our firm (2 days ago), we have not yet been able to secure local counsel to appear at the cash collateral hearing before the Court today. Accordingly, we request a brief adjournment of the hearing in order to allow our client time to secure local bankruptcy counsel.

Thank you for your courtesies.

Respectfully submitted,



Kevin Tompsett, Esq.